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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,544	04/13/2001	Bruno Million-Rousseau	0110251	9172
<div>466                      7590                      07/21/2008</div> <div>YOUNG &amp; THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314</div>				
EXAMINER				
MILORD, MARCEAU				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
07/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/807,544

**Applicant(s)**

MILLION-ROUSSEAU ET AL.

**Examiner**

Marceau Milord

**Art Unit**

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 24-32 is/are allowed.  
6) ☒ Claim(s) 21-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vazvan (WO- 9613814) in view of Gell (US Patent No 6577858 B1).

Regarding claim 21, Vazvan discloses a device (portable terminal 1) for acquiring information relating to payment means (figs. 1-2) and for transferring this information to a server center of a banking organization (Bank 3; page 2, lines 8-21; page 3, lines 7-32), the device comprising means for reading the payment means, a central processing unit to which the reading means are connected, a first modem for establishing a first telephone link with the server center (3 of fig. 1 or 14 of fig. 2), a first means for dialing telephone numbers, said first dialing means being associated with the first modem, wherein the first means for dialing telephone numbers and the associated first modem consist of elements of wired telephony circuits (page 2, lines 24-30; page 4, pages 5-6).

However, Vazvan does not specifically disclose the features of a second means for dialing telephone numbers, said second dialing means being associated with the second modem, wherein the second means for dialing telephone numbers and the associated second modem consist of elements of wireless telephony circuits, so that the device is able to be connected to a wireless telephony network for establishing the second telephone link, and a switching facility for selectively placing the central unit in communication with the first or second means for dialing telephone numbers.

On the other hand, Gell, from the same field of endeavor, discloses a second means (1a, 1b, 1c) for dialing telephone numbers, said second dialing means being associated with the second modem (12a, 12b, 12c), wherein the second means for dialing telephone numbers and the associated second modem consist of elements of wireless telephony circuits (col. 11, lines 20-28), so that the device is able to be connected to a wireless telephony network for establishing the second telephone link (col. 11, lines 29-67), and a switching facility for selectively placing the central unit in communication with the first or second means (gateways 52 or 62) for dialing telephone numbers( fig. 2;figs. 7-9; col. 7, lines 31-65;col. 11, lines 12-65;col. 12, lines 1-34; col. 14, line 31-col. 15, line 50). Furthermore, Gell shows in figure 2, an accounting unit that comprises a processor which is connected, via a signaling circuit, to a telephone unit (10) so as to transmit dialing and signaling information from the processor to the exchange. The processor is also connected to a payment interface, which may comprise a smart card reader or alternatively may comprise a connection for instructing payment from a financial institution, or any other means of initiating an electronic or other payment transaction (col. 7, lines 31-60; col. 11, lines 30-65). The terminals 1a-1c are each connected to a Local Area Network (fig. 7). The LAN 50 has a gateway unit 52 for connection to a wide area network (col. 11, lines 14-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Gell to the communication system of Vazvan in order to provide a service user apparatus to automatically log service transactions, and service provider to transmit account data through a communications network.

Regarding claims 22-23, Vazvan discloses everything claimed as explained above except the features c switching facility that consists of a switching facility which can be actuated

manually by a user, where the switching facility comprises voltage detection means provided in a circuit for interfacing with a switched telephone network.

However, Gell discloses a telecommunications system that comprises a customer premises equipment (telephone or a computer terminal incorporating a modem) which is connected to a first pulse switch telephone network (PSTN 2, via the network 2) to a second public switch telephone network (the networks 2, 3). The operator can manually operate the switching facility. In addition, the customer terminal is connected to an exchange, which is connectable to a gateway linking to the second PSTN (col. 5, line 28-col. 6, line 11). It is considered that the switching facility comprises a voltage detection means provided in a circuit for interfacing with a switched telephone network (networks 2, 3; col. 5, lines 44-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Gell to the communication system of Vazvan in order to provide a service user apparatus to automatically log service transactions, and service provider to transmit account data through a communications network.

#### Allowable Subject Matter

4. Claims 24-32 are allowed.

#### Response to Arguments

5. Applicant's arguments with respect to claims 21-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./

/Marceau Milord/

Primary Examiner, Art Unit 2618

Primary Examiner, Art Unit 2618



